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United States Government **Department of Energy**

Bonneville Power Administration

memorandum

DATE: March 29, 2004

REPLY TO ATTN OF: KEC-4

SUBJECT: Supplement Analysis for the Watershed Management Program EIS (DOE/EIS-0265/SA-140)

TO: Jessica Wilcox
Fish and Wildlife Project Manager, KEWL-4

Proposed Action: Burlington Bottoms Wildlife Mitigation Project – Water Control Structure and Culvert Replacement

Project No: 1991-078-00

Wildlife Management Techniques or Actions Addressed Under This Supplement Analysis (See App. A of the Wildlife Mitigation Program EIS): 1.13 Culvert Removal/Replacement to Improve Fish Passage, 1.15 Fish Passage Enhancement, 3.28 Alternate Restoration Management Strategies, 4.21 Impoundments For Water Source, 6.6 Water Supply: Ponds, 7.4 Avoid Stream Crossings Outside of Construction Windows, 7.10 Erosion Control & Revegetation at Project Completion, 9.22 Construction: Erosion & Sediment Control Plans, 9.23 Construction: Erosion & Sediment Control Structures, 9.24 Construction: Inspect Erosion & Sediment Control Structures, 9.25 Construction: Minimize Runoff To/From Site

Location: Multnomah County, Oregon

Proposed by: Bonneville Power Administration (BPA) and Oregon Department of Fish and Wildlife

Description of the Proposed Action: The Bonneville Power Administration is proposing to fund the construction of a water control structure and the replacement of three culverts on the Burlington Bottoms property in Multnomah County, Oregon. Burlington Bottoms, which comprises 417 acres of floodplain and wetland habitat, was purchased by BPA in 1991 to provide partial mitigation for impacts to wildlife habitats due to the construction of hydroelectric facilities on the Columbia and Willamette Rivers. Activities that took place historically on the property such as dike construction altered the natural hydrology on the site impeding flows and creating drier conditions overall. The goal of the proposed project is to restore the historic hydrologic regime in this area, which will help to restore native wetland plant communities; improve floodplain connectivity; improve water quality conditions; increase the quality of rearing habitat for juvenile salmonids and other native species; and increase biological diversity on the site.

The proposed water control structure will be constructed on Burlington Slough, which drains into the Multnomah Channel, a tributary of the Willamette River. The water control structure will include a pool/weir/chute ladder to provide for fish passage. Ducks Unlimited in partnership with BPA will construct a similar water control structure on McCarthy Creek, which is located on the adjacent Enyart property. Activities on the Enyart property are not being funded by BPA and therefore are outside of the scope of this Supplement Analysis. In addition to the water control structure, BPA will fund three culvert replacements on the Burlington Bottoms property. Large arch culverts will replace existing culverts at three locations along the access road that serves as the boundary between the Burlington Bottoms property and the Enyart property. The culverts will allow for free movement of water between

the two properties. The combination of the water control structures and culvert replacements has the potential to reconnect the hydrology of the floodplain to near historic conditions in this area.

Analysis: The compliance checklist for this project was completed by Sue Bielke with the Oregon Department of Fish and Wildlife (March 25, 2004), and meets the standards and guidelines for the Watershed Management Program Environmental Impact Statement (EIS) and Record of Decision (ROD).

The Endangered Species Act (ESA) listed species that may occur in the general vicinity of the project area are Columbian white-tailed deer, bald eagle, Lower Columbia River steelhead, Lower Columbia River chinook salmon, Upper Willamette River chinook salmon, Golden paintbrush, Willamette daisy, Howellia, Bradshaw's lomatium, Kincaid's lupine and Nelson's checker-mallow. Pursuant to Section 7 of the Endangered Species Act, BPA submitted a Biological Assessment (BA) for the water control structure and culvert replacement project to NOAA Fisheries and U.S. Fish and Wildlife Service (USFWS) on June 25, 2003. In the BA, BPA determined that the proposed project would have no effect on Golden paintbrush, Willamette daisy, and Kincaid's lupine and may affect, but is not likely to adversely affect the remaining species. BPA also determined that the proposed actions may adversely affect Essential Fish Habitat for chinook and coho salmon.

USFWS issued a letter of concurrence on these findings on August 15, 2003. NOAA Fisheries issued a Biological Opinion for the project on July 30, 2003. NOAA Fisheries concluded that the proposed actions were not likely to jeopardize the continued existence of Lower Columbia River steelhead or chinook salmon or Upper Willamette River chinook salmon. Within the Biological Opinion, NOAA Fisheries identified a set of nondiscretionary Terms and Conditions for the project that are necessary to avoid or minimize take of listed salmonids species and adverse effects to Essential Fish Habitat. All identified Terms and Conditions contained in the Biological Opinion must be implemented accordingly.

In compliance with Section 106 of the National Historic Preservation Act, a cultural resource survey of the Burlington Bottoms site was completed by BPA's archaeologist Steve Tromly. The inventory consisted of background research and a pedestrian survey of the areas where ground disturbing activities are proposed and areas immediately adjacent. No cultural or historic sites, features or artifacts were located during the survey. Steve concluded however that due to the limited visibility at the proposed fill excavation site, a cultural resource monitor should be present during excavation at this location. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity of the finds will be discontinued, the area secured, and the Oregon State Historic Preservation Office notified. These findings were forwarded to the Oregon State Historic Preservation Office on June 19, 2003; no response was provided.

In compliance with U.S. Department of Energy's Floodplain and Wetland Regulations, BPA has evaluated the impacts of the proposed water control structure and culvert replacements, as described above, on floodplains. This evaluation included consideration of Multnomah County's floodplain protection requirements. The water control structure will be built of concrete and surrounded by riprap, which are resistant to flood damage. The structure has been designed to pass the 100-year local flood without overtopping; it will be completely inundated by the base flood. The base flood discharge in this area is based on water levels in the Columbia River and backwater in the Willamette system. The water control structure will be located in a small channel off stream of these major watercourses that is perpendicular to the base flood and does not carry base flood discharge. This project will have no effect on base flood discharge in this area (information provided by Randy VanHoy, project engineer with Ducks Unlimited, March 3, 2004). Alternative locations for the water control structure were considered but because of the hydrology of the area it was determined that the proposed site would provide the most benefit (personal communication with Sue Bielke, March 11, 2004). Based on this information, BPA finds that the water control structure and culvert replacements will conform to applicable floodplain protection standards.

Standard water quality protection procedures and Best Management Practices will be followed during the implementation of this project. No construction is authorized to begin until the proponent has obtained all applicable local, state, and federal permits and approvals. Permits include, but are not limited to, U.S. Army Corps of Engineers 404 permit and State issued 401 Water Quality Certification, Removal-Fill Permit, and Surface Water Permit.

Public involvement has taken place as part of the Burlington Bottoms Project. Extensive public involvement occurred during the planning and writing of the 1994 Environmental Assessment and Management Plan for the site. In addition, consultation on the proposed water control structure and culverts has taken place with USFWS, NOAA Fisheries, U.S. Army Corps of Engineers, OR Division of State Lands, OR Department of Water Resources, OR Department of Fish and Wildlife, OR Watershed Enhancement Board, Multnomah County Planning Department, Ducks Unlimited, and the adjacent private landowner.

Findings: The project is generally consistent with Section 7.6A.2, 7.6B.3, & 7.8E.1, of the Northwest Power Planning Council's Fish and Wildlife Program. This Supplement Analysis finds 1) that the proposed actions are substantially consistent with the Watershed Management Program EIS (DOE/EIS-0265) and ROD, and, 2) that there are no new circumstances or information relevant to environmental concerns and bearing on the proposed actions or their impacts. Therefore, no further NEPA documentation is required.

/s/ Shannon Stewart 3-29-04
Shannon C. Stewart
Environmental Specialist

CONCUR:

/s/ Thomas McKinney DATE: *3-30-04*
Thomas C. McKinney
NEPA Compliance Officer

Attachments:
NEPA Compliance Checklist
NOAA Fisheries Biological Opinion, July 30, 2003
USFWS Letter of Concurrence, August 15, 2003

cc: (w/ attachments)
Ms. Sue Bielke – Oregon Department of Fish and Wildlife
Ms. Denise Atkinson – Federal Emergency Management Agency
Mr. Adam Barber – Multnomah County, Land Use Planning Division